

## **FINAL STATEMENT OF REASONS**

### **UPDATE OF INITIAL STATEMENT OF REASONS**

The scope of the Compromise of Arrearages regulations described in the Initial Statement of Reasons Policy Statement Overview which was filed on an emergency basis (OAL File No. R-18-02E) remains unchanged. The regulations are being adopted on a permanent basis by this certificate of compliance rulemaking. Changes have been made as a result of further analysis and our responses to public comments. Specific detailed discussions of those changes are listed below.

Briefly, the changes serve to clarify with more explicit language the policies expressed in the regulations. Specifically, the changes provide a clarification of certain terms and or requirements used in this package, and a renaming and renumbering of all of the forms that were incorporated with this package to distinguish between a compromise as defined in these regulations and a compromise defined in more recent compromise legislation.

The Department of Child Support Services is required by Family Code Section 17306(d) to consult with a wide array of statutorily specified stakeholders. These stakeholders include: counties, custodial and non-custodial parent advocates, labor organizations, judicial and legislative committees. The Department met these requirements by sending draft regulations out to the representative group of parties listed in Attachment A in an informal comment process preceding the formal certificate of compliance public notice process which then allowed a 45 day public comment period. The Family Code Section 17306(d) requirement has been satisfied and the mailing list to whom the regulations were mailed for the formal 45 day public comment period is provided in the permanent rulemaking file (Tab 2). Also, the regulations text was posted on the Department's public website at [www.childsup/cahwnet.gov/](http://www.childsup/cahwnet.gov/) for the full 45 day public comment period as well as the 15 day renote period, making it available for anyone to comment.

#### **Section 119003 Assets**

This section adds a definition of the term "assets." The term was defined to clarify what kinds of property constituted an asset for purposes of these regulations.

#### **Section 119015 Compromise of Assigned Arrearages - Family Reunification**

This section provides a definition of the term **Compromise of Assigned Arrearages**. Throughout this regulation package the term "Compromise of Assigned Arrearages" is being reworded to "Compromise of Assigned Arrearages – Family Reunification" to distinguish it from a similar new program of compromising arrearages.

## **Article 6. Compromise of Assigned Arrearages - Family Reunification**

This Article is being reworded to "Compromise of Assigned Arrearages – Family Reunification" to distinguish it from a similar new program of compromising arrearages. Throughout this regulation package this change in terminology will be applied.

### **Section 119191. Compromise of Assigned Arrearages - Family Reunification**

In Subsections (a), (b), (e), (f) and (g) the forms have been renamed and renumbered to distinguish them from a new program of compromising arrearages. The following forms have been affected:

The regulations at Section 119191, subparagraph (a) (3) incorporated by reference the Compromise of Arrearages Information Sheet, form CS 4476, dated 9/02. This form is being renamed the Compromise – Family Reunification Information Sheet", and renumbered to DCSS 0026, (09/03). The purpose of renaming the form is to distinguish this form from forms in a new program that also is called compromise of arrears. The renumbering is part of a Departmental project to reduce duplication and eliminate unnecessary forms.

The regulations at Section 119191, subparagraph (a) (1) incorporated by reference the Application for Compromise, form CS 4477, dated 9/02. This form is being reworded, renamed and renumbered. The form is being reworded at Part 1, item 4, to clarify that a social security number is required unless the parent does not have one. Part 1, item 11 was reworded to clarify that the current living arrangement only requires that the child be residing with the parent at least 50% of the time. It is also being reworded at Part 1, item 12 to clarify that the child did not have to be living with the parent on a full time basis before being placed in Foster Care. This form is being renamed the Application for Compromise – Family Reunification, and renumbered to CDSS 0027, (09/03). The purpose of renaming the form is to distinguish this form from forms in a new program that also is called compromise of arrears. The renumbering is part of a Departmental project to reduce duplicity and unnecessary forms.

The regulations at Section 119191, subparagraph (g) (1) incorporated by reference the Notice of Eligibility for Compromise of Arrearages", CS 4478, dated 9/02. This form is being renamed the Notice of Eligibility for Compromise of Arrearages – Family Reunification, and renumbered to DCSS 0028, (09/03). The purpose of renaming the form is to distinguish this form from forms in a new program that also is called compromise of

arrears. The renumbering is part of a Departmental project to reduce duplication and unnecessary forms.

The regulations at Section 119191, subparagraph (b) (2)(C) incorporated by reference the Notice of Denial of Application for Compromise, form CS 4479, dated 9/02. This form is being reworded, renamed and renumbered. The form is being reworded at Part A, the first checkbox, to clarify that the current living arrangement only requires that the child be residing with the parent at least 50% of the time. This form is being renamed the Notice of Denial of Application for Compromise Of Arrearages – Family Reunification, and renumbered to DCSS 0029, (09/03). The purpose of renaming the form is to distinguish this form from forms in a similar new program that also is called compromise of arrears. The renumbering is part of a Departmental project to reduce duplicity and unnecessary forms.

The regulations at Section 119191, subparagraph (b) (2)(B) incorporated by reference the Notice of Temporary Suspension of the Child Support Collection and Enforcement, form CS 4480, dated 9/02. This form is being renamed the Notice of Temporary Suspension Of Child Support Collection and Enforcement – Family Reunification, and renumbered to DCSS 0030, (09/03). The purpose of renaming the form is to distinguish this form from forms in a similar new program that also is called compromise of arrears. The renumbering is part of a Departmental project to reduce duplicity and unnecessary forms.

The regulations at Section 119191, subparagraph (b)(1) incorporated by reference the Notice of Incomplete Application for Compromise, form CS 4481, dated 9/02. This form is being renamed the Notice of Incomplete Application for Compromise – Family Reunification, and renumbered to DCSS 0031, (09/03). The purpose of renaming the form is to distinguish this form from forms in a similar new program that also is called compromise of arrears. The renumbering is part of a Departmental project to reduce duplicity and unnecessary forms.

Subsection (b) was reworded to clarify that for purposes of completeness the Compromise – Family Reunification Information Sheet, form DCSS 0026, dated 09/03 does not need to be returned as part of the Compromise Application Packet. It also included minor rewording of the requirement for completeness for clarity.

Subparagraph (c) was reworded to remove the provision for forgiving interest that accrued during the period the local child support agency had suspended enforcement and collection activities because an individual who is determined not eligible for compromise under Family Code section 17550 has to have interest accrue on arrearages pursuant to the requirement in Code of Civil Procedure section 685.010.

Subparagraph (e)(2) requires the local child support agency to verify a list of information provided on the DCSS 0026, Application for Compromise – Family Reunification (09/03). This subparagraph was also reworded to clarify that the information being verified could come from local child support or county welfare department case information rather than the Application for Compromise-Family Reunification. It was also reworded to clarify that assets must be verified to assess the requirement in subparagraph (e)(4). Subparagraph (e)(2)(C) has been reworded to clarify that a social security number must only be verified if one is available. In response to public comments the Department felt this amendment was necessary to prevent the denial of applications from obligors applying for a compromise of arrearages that might not have a social security number and are otherwise eligible for a compromise.

Subparagraph (e)(4) has been reworded in response to public comments as the Department felt this amendment was necessary to clarify that the exclusion of assets in excess of \$10,000 dollars is only for the applicant's primary residence and one vehicle used for transportation. A reference to subparagraph (e)(2) was added to indicate that applicant information on assets is requested on the judicial council forms and verified by the LCSA. This section has also been expanded to provide further clarification of the term assets. The department added section 119003 to define the term assets as it applies to this regulation package. The section on exemptions was reworded to improve its clarity.

Subparagraph (e)(5) has been reworded to clarify that the local child support agency only has to verify that the applicant's child was in out-of-home care before the local child support agency can confer with the county welfare department. It was also reworded to clarify that a county welfare department written response finding that a compromise is not in the best interest of the child, must be received within 20 days of the date that the applicant qualified for a temporary suspension.

Subparagraph (f) has been reworded to clarify that the reasons for taking action to deny an application for compromise would include a determination by the county welfare worker that a compromise is not in the best interest of the child.

Subparagraph (f)(2) has been reworded to clarify that the balance of arrearages must be computed, if the compromise is denied regardless of when they accumulated.

Subparagraph (f)(3) was deleted to remove the provision for forgiving interest that accrued during the period the local child support agency had suspended enforcement and collection activities because an individual who is determined not eligible for compromise under Family Code section 17550 has to have interest accrue on arrearages pursuant to the requirement in Code of Civil Procedure section 685.010.

Subparagraph (f)(4) has been renumbered to subparagraph (f)(3) due to the deletion of former Subparagraph (f)(3).

Subparagraph (g)(2)(B) has been reworded to clarify that the balance of arrearages must be computed, if the compromise is denied regardless of when they accumulated.

Subparagraph (g)(2)(C) was deleted to remove the provision for forgiving interest that accrued during the period the local child support agency had suspended enforcement and collection activities because an individual who is determined not eligible for compromise under Family Code section 17550 has to have interest accrue on arrearages pursuant to the requirement in Code of Civil Procedure section 685.010.

Subparagraph (g)(2)(D) has been renumbered to subparagraph (g)(2)(C) due to the deletion of former Subparagraph (g)(2)(C).

### **Authority and Reference Citations:**

Authority cited: Sections 17306, 17310 and 17312, Family Code.

Reference: Sections 708.420 and 708.440(a), Code of Civil Procedure; Sections 4053, 4058, 4059, 4060, 17402, 17406(j) & (k), 17520(g)(2) and 17550, Family Code; Sections 11200, 11268(a), 11360, 11400, 11401 and 16507.2, Welfare and Institutions Code; and 42 United States Code, Section 9902(2).

### **Local Mandate:**

The Department has determined that the regulations would impose a mandate on local agencies or school districts, but there are no costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the activities required by the regulations are fully funded through:

(1) Federal incentives and subventions to local agencies under the provisions of 42 U.S.C., Section 658a and 45 CFR, Section 304.

(2) State incentives and subventions to local agencies under the provisions of family Code, Sections 17700(c) and 17704(b)(2)(B)(i).

### **Alternatives Determination:**

The Department has determined that no reasonable alternative considered by the Department or that has otherwise been identified or brought to the attention of the Department would be more effective in carrying out the purpose for which these regulations are being implemented or would be as effective and less burdensome to affected private persons than these regulations.

(1) Adopt Section 119003 (with changes in emergency filing shown in strike through and underline) to read as follows:

Chapter 9. Collection and Distribution.

Article 1. Definitions.

Section 119003. Assets

“Assets” include, but are not limited to, the following:

- (a) Cash on hand, money in checking or savings accounts, savings certificates, stocks or bonds.
- (b) All other property, real or personal, excluding the applicant’s primary residence and one vehicle used for transportation.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.  
Reference: Sections 4053, 4058, 4059, and 17550, Family Code.

(2) Adopt Section 119015 (with changes in emergency filing shown in strike through and underline) to read as follows:

Chapter 9. Collection and Distribution.

Article 1. Definitions.

Section 119015. Compromise of Assigned Arrearages – Family Reunification.

“Compromise of ~~a~~Assigned aArrearages – Family Reunification” means an agreement to reduce arrearages, including interest, owed to the state in cases where separation or desertion of both parents from a child resulted in aid being granted for the child in the form of Aid to Families with Dependent Children-Foster Care (AFDC-FC) payments or California Work Opportunity and Responsibility to Kids Act (CalWORKs) payments inclusive of payments for Kinship Guardianship Assistance Payment Program (KinGAP).

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.  
Reference: Section 17550, Family Code.

(3) Adopt Section 119019 to read as follows:

Section 119019. County Welfare Worker.

“County welfare worker” means a county worker providing social services in child welfare programs or a county worker determining eligibility for assistance programs.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.  
Reference: Section 17550, Family Code.



(4) Adopt Section 119045 to read as follows:

Section 119045. Guardian.

“Guardian” means the legal guardian of the child, who assumed care and control of the child while the child was in the guardian’s control, and who is not a biological or adoptive parent.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.  
Reference: Section 17550, Family Code.

(5) Adopt Section 119069 to read as follows:

Section 119069. Placement.

“Placement” means either the voluntary placement by an applicant who had custody of his/her child and placed the child in out-of-home care or the placement of a child in out-of-home care as a result of a child being declared a dependent child of the court under Welfare and Institutions Code Section 300.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.  
Reference: Sections 361(e) and 11400(k), Welfare and Institutions Code.

(6) Adopt Section 119076 to read as follows:

Section 119076. Relative Caregiver.

“Relative caregiver” means an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words “great,” “great-great,” or “grand” or the spouse of any of those persons even if the marriage was terminated by death or dissolution and who assumed primary responsibility for the child while the child was in the relative’s care and control, and who is not a biological or adoptive parent.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.  
Reference: Section 17550, Family Code; Section 11362(c), Welfare and Institutions Code.

(7) Adopt Article 6 and Section 119191 (with changes in emergency filing shown in strike through and underline) to read as follows:

Chapter 9. Collection and Distribution.

Article 6. Compromise of Assigned Arrearages – Family Reunification

Section 119191. Compromise of Assigned Arrearages – Family Reunification.

(a) The local child support agency shall provide a Compromise Application Packet to a person on the day it is requested in person, or mail the Compromise Application Packet within 5 business days of receipt of a telephone or written request, or whenever the local child support agency becomes aware that an obligor has been reunited with his/her child(ren). The Compromise Application Packet shall consist of:

(1) Application for Compromise – Family Reunification, form ~~CS 4477~~, dated ~~(09/02)~~, DCSS 0027, dated (09/03), incorporated by reference herein,

(2) Relevant court form(s) providing information on the applicant's income, ~~and expenses, and assets,~~ and

(3) Application for Compromise – Family Reunification Information Sheet, form ~~CS 4476~~, dated ~~(09/02)~~, DCSS 0026, dated (09/03), incorporated by reference herein.

(b) When the local child support agency receives a Compromise Application Packet, the local child support agency shall ~~verify that~~ review the Compromise Application Packet for completeness. For purposes of completeness, applicants are not required to submit the Compromise of Arrearages Information Sheet – Family Reunification, form DCSS 0026. The local child support agency shall verify that the applicant returned the required documents and that the documents are complete, ~~contains the required documents and information,~~ or that the local child support agency

otherwise has the information required available, ~~and shall review the Compromise Application Packet for completeness.~~

(1) Within 10 business days of the date of receipt of an incomplete Compromise Application Packet, the local child support agency shall mail to the applicant a Notice of Incomplete Application for Compromise – Family Reunification, form ~~CS 4481, dated (09/02)~~ DCSS 0031, dated (09/03), incorporated by reference herein.

(2) Within 10 business days of the date of receipt of the completed Compromise Application Packet, the local child support agency shall take the following actions:

(A) Make a determination of an applicant's eligibility for temporary suspension of enforcement and collection actions pending a final determination of eligibility for compromise as specified in Subsection (d).

(B) If the applicant meets the requirements specified in Subsection (d) below, the local child support agency shall send the applicant a Notice of Temporary Suspension Of Child Support Collection and Enforcement – Family Reunification, form ~~CS 4480, dated (09/02)~~ DCSS 0030, dated (09/03), incorporated by reference herein. The applicant shall be advised that his/her application for compromise is complete and that he/she does qualify for temporary suspension of collection and enforcement actions on the assigned arrearages which accrued during the time that his/her child was in out-of-home care, as defined in Subsection (d)(2) below.

(C) If the applicant does not meet the requirements specified in Subsection (d) below, the local child support agency shall send the applicant a Notice of

Denial of Application for Compromise – Family Reunification, form ~~CS-4479~~, dated ~~(09/02)~~ DCSS 0029, dated (09/03), incorporated by reference herein.

(c) Within two business days of the completion of the actions specified in Subparagraph (b)(2)(B) above, the local child support agency shall take administrative action to suspend enforcement of the obligation, ~~accrual of interest~~, and collection activities on the assigned arrearages that accrued during the time the child was in placement until a final determination is made on the application.

(d) The applicant shall qualify for temporary suspension of enforcement and collection actions, pending a final determination of eligibility for compromise, if all of the following requirements are satisfied:

(1) The applicant has provided a completed Compromise Application Packet.

(2) Either of the following criteria are met:

(A) The child has been adjudged a dependent of the court under Section 300 of the Welfare and Institutions Code and Aid to Families with Dependent Children-Foster Care or KinGAP was expended while the child was a dependent of the court, and the child is residing with and has been reunified with the applicant pursuant to a court order; or

(B) The child received public assistance while living with a guardian or relative caregiver and the child has been returned to the custody of and is residing with the applicant, provided that the applicant for whom the debt compromise is being considered was the applicant with whom the child resided prior to the child's placement with the guardian or relative caregiver.

(3) The applicant for whom the debt compromise is being considered has a gross income less than 300 percent of the federal poverty level guidelines for that family size.

(e) Within 20 business days from determining the applicant's qualification for a temporary suspension as specified in Subsection (b)(2)(B), the local child support agency shall take the following actions to determine the applicant's eligibility for compromise:

(1) Verify that one of the following conditions are satisfied:

(A) The child has been adjudged a dependent of the court under Section 300 of the Welfare and Institutions Code and Aid to Families with Dependent Children-Foster Care or KinGAP was expended while the child was a dependent of the court, and the child is residing with and has been reunified with the applicant pursuant to a court order; or

(B) The child received public assistance while living with a guardian or relative caregiver and the child has been returned to the custody of and is residing with the applicant, provided that the applicant for whom the debt compromise is being considered was the applicant with whom the child resided prior to the child's placement with the guardian or relative caregiver.

(2) Verify the following information from local child support or county welfare department case information or the Application for Compromise – Family Reunification, form CS 4477, dated (09/02) DCSS 0027, dated (09/03), and the relevant court form(s) providing information on the applicant's income, and expenses, and assets:

- (A) Local child support agency's case identification number.
- (B) Address of the applicant.
- (C) Social Security number of the applicant, if any.
- (D) Address of the child(ren) for whom arrearages are being considered for compromise.
- (E) Social Security number(s) of the child(ren) for whom arrearages are being considered for compromise.
- (F) Applicant's relationship to the child(ren).
- (G) Time period when the child(ren) was out of the home.
- (H) Child(ren) received assistance payments during placement as required by Subparagraph (e)(1).
- (I) Child(ren) is currently living with the applicant.
- (J) Child(ren) lived with the applicant prior to the child(ren)'s placement in out-of-home care.
- (K) Applicant's gross monthly income as defined by Family Code Section 4058.
- (L) Applicant's net monthly income as defined by Family Code Section 4059.
- (M) All reported extraordinary expenses, such as day care, medical and dental expenses.
- (N) Justification for other uses of income as outlined in a reunification plan.



(3) Determine if the applicant has a net disposable income less than 250 percent of the current federal poverty level guidelines.

(A) The 250 percent shall be applied to the family group, which includes the applicant and any other child(ren) the applicant is legally obligated to support and who resides with the applicant.

(B) The 250 percent shall be calculated by comparing the applicant's net disposable income to 250 percent of the federal poverty level for that family size. Income will be computed based on the current month's income at the time of application. Net disposable income shall be computed in accordance with Family Code Section 4059 and by deducting other expenses as justified in Subparagraph (2)(M) and (N) above, from the applicant's gross income.

(4) It shall be presumed that compromise is necessary for a child's support, if the applicant meets the requirements in Subparagraphs (1) and (3) above. The presumption may be rebutted by a finding that the applicant owns assets as verified in Subparagraph (e)(2) valued in excess of \$10,000 dollars, excluding the applicant's primary residence and one vehicle used for transportation, ~~valued in excess of \$10,000 dollars~~ that could be applied to satisfy the arrearages being considered for this compromise.

(5) After the local child support agency has determined that the applicant has met the requirements in Subparagraph (e)(1), ~~(3) and (4)~~ above, the local child support agency shall confer with the county welfare worker assigned to develop and/or assess compliance with the reunification plan prior to making a final determination on the ability of the applicant to support the child. In the event that the

county welfare worker provides written justification within the time frame specified in Subsection (e) that supports a finding that a compromise is not in the best interest of the child, the local child support agency shall deny the request for compromise.

(f) Once the local child support agency has completed the verification of all required elements of eligibility for compromise and determined that the applicant does not meet the requirements specified in Subparagraphs (e)(1), (3) ~~and~~ or (4) above, or if the county welfare worker determines a compromise is not in the best interest of the child as specified in Subparagraph (e)(5) the local child support agency shall take the following actions:

(1) Within 10 business days of the applicant's final determination of ineligibility for compromise, a Notice of Denial ~~Of~~ Application for Compromise of Arrearages – Family Reunification, form ~~CS 4479, dated (09/02)~~ DCSS 0029, dated (09/03), shall be sent to the applicant.

(2) Recompute the balance owing on arrearages. ~~Arrearages that would have accumulated during the period of time that collection and enforcement efforts were in suspension shall be reinstated.~~

~~(3) Reinstatement interest from the date of the final denial, excluding interest on arrearages from the date the application for compromise was determined complete and the temporary suspension of collection and enforcement actions were taken to the date of the final denial.~~

(34) Initiate any appropriate enforcement or other actions for the repayment of any remaining arrearage balance.

(g) Once the local child support agency has completed the verification of all required elements of eligibility for compromise and determined that the applicant meets the requirements specified in Subparagraphs (e)(1), (3) and (4) above, the local child support agency shall take the following actions:

(1) Within 10 business days after determining eligibility for compromise, send the applicant a Notice of Eligibility for Compromise of ~~Assigned Arrearages – Family Reunification~~, form ~~CS 4478, dated (09/02)~~ DCSS 0028, dated (09/03), incorporated by reference herein. The Notice of Eligibility for Compromise of Arrearages – Family Reunification shall advise the applicant that he/she does qualify for a compromise of 100 percent of the principal and interest on the assigned arrearages that accrued as a result of the placement.

(2) The Notice of Eligibility for Compromise of Arrearages – Family Reunification shall advise the applicant that without a signed stipulation the application for compromise shall be denied. If the applicant refuses to sign the stipulation or fails to return the stipulation within 20 business days, the local child support agency shall:

(A) Send a Notice of Denial of Application for Compromise of Arrearages – Family Reunification, form ~~CS 4479, dated (09/02)~~ DCSS 0029, dated (09/03), to the applicant.

(B) Recompute the balance owing on arrearages. ~~Arrearages that would have accumulated during the period of time that collection and enforcement efforts were in suspension shall be reinstated.~~

~~(C) Reinstatement interest from the date of the final denial, excluding interest on arrearages from the date the application for compromise was determined~~

~~complete and the temporary suspension of collection and enforcement actions were taken to the date of the final denial.~~

(~~C~~D) Initiate any necessary court actions and take appropriate enforcement actions for the repayment of any remaining arrearage balance.

(3) Upon receipt of a signed stipulation, the local child support agency shall take the following actions:

(A) Within 10 business days, file the stipulation to implement the compromise of assigned arrearages.

(B) Within 10 business days initiate any other necessary court actions.

(C) Within 10 business days after the receipt of an approved stipulation and order from the court, make any necessary adjustments to reduce the total arrearages based on the compromise amount.

(D) Initiate the appropriate enforcement action(s) and set a monthly payment amount for the repayment of any remaining arrearage balance when appropriate.

(h) An obligor parent shall not be approved for compromise more than three times in 36 consecutive months, except for those instances where the child is adjudged a dependent of the court under Section 300 of the Welfare and Institutions Code.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.  
References: Sections 708.420 and 708.440(a), Code of Civil Procedure; Sections 4053, 4058, 4059, 4060, 17402, 17406(j) & (k), 17520(g)(2) and 17550, Family Code; Sections 11200, 11268(a), 11360, 11400, 11401 and 16507.2, Welfare and Institutions Code; 42 United States Code, Section 9902(2).

- (8) Repeal form CS 4477 (9/02) APPLICATION FOR COMPROMISE as follows:

- (9) Adopt form DCSS 0027 (09/03) APPLICATION FOR COMPROMISE -  
FAMILY REUNIFICATION as follows:

- (10) Repeal form CS 4476 (09/02) COMPROMISE OF ARREARAGES  
INFORMATION SHEET as follows:

- (11) Adopt form DCSS 0026 (09/03) COMPROMISE - FAMILY REUNIFICATION INFORMATION SHEET as follows:



- (12) Repeal form CS 4481 (9/02) Notice of Incomplete Application for Compromise as follows:

- (13) Adopt form DCSS 0031 (09/03) Notice of Incomplete Application for  
Compromise - Family Reunification as follows:

- (14) Repeal form CS 4480 (9/02) Notice of Temporary Suspension of Child Support Collection and Enforcement as follows:

- (15) Adopt form DCSS 0030 (09/03) Notice of Temporary Suspension of Child Support Collection and Enforcement - Family Reunification as follows:

- (16) Repeal form CS 4479 (9/02) Notice of Denial of Application for Compromise as follows:

- (17) Adopt form DCSS 0029 (09/03) Notice of Denial of Application for Compromise of Arrearages - Family Reunification as follows:

- (18) Repeal form CS 4478 (9/02) Notice of Eligibility for Compromise of Arrearages as follows:

- (19) Adopt form DCSS 0028 (09/03) Notice of Eligibility for Compromise of Arrearages - Family Reunification as follows:



# COMPROMISE - FAMILY REUNIFICATION

## If You Have Been Reunified With Your Child, You Could Qualify To Have The Amount Of Your Child Support Debt Lowered

### Who Qualifies?

You may qualify if you meet all of the following:

- You are the parent of a child and you owe a public assistance debt because your child received aid from one of the following while your child was not living with either parent:
  - Aid to Families with Dependent Children-Foster Care (AFDC-FC)
  - California Work Opportunity and Responsibility of Kids (CalWORKs) , or
  - Kinship Guardianship Assistance Payment Program (KinGAP)
- The public assistance debt accrued when your child was not living in your house.
- Your child is living with you now at least 50% of the time.
- Your net income is less than 250% of the federal poverty level.

### How Much Of My Past Due Support Debt Can Be Reduced?

- The amount is determined by the local child support services agency based on the facts of your case.
- Can be up to 100%.

### What Do I Do?

- You must ask for a Compromise Application Packet from your local child support services agency.
- You must fill out and return a Compromise Application Packet to the local child support services agency.

### When Will I Hear Back?

- The local child support agency will send you a letter within 10 business days after receipt of a complete Compromise Application Packet on the status of your application.

***If you have any questions or you would like more information please contact your local child support agency at the telephone number listed on the back of this form.***

## HOW TO MAKE A COMPLAINT ABOUT YOUR APPLICATION FOR COMPROMISE - FAMILY REUNIFICATION

### **RIGHT TO COMPLAINT RESOLUTION:**

If you think a mistake has been made in the way your application was handled or the amount of support the Local Child Support Agency (LCSA) has arrived at for your compromise, the LCSA has a complaint resolution process. To start the complaint resolution process you should call your LCSA at (     ) -     or write your LCSA at the address below:

**Local Child Support Agency**

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**IMPORTANT:** Your request for complaint resolution must be made within 90 days from the date you knew, or should have known, about the mistake you feel was made.

The LCSA has 30 days from the date it receives your complaint to provide you with a written resolution of your complaint, unless the LCSA determines more information or time is needed to resolve your complaint. The LCSA will contact you if it needs more information or time to resolve your complaint.

### **RIGHT TO A STATE HEARING**

If the LCSA **does not** respond to you within 30 days from receiving your complaint, you have the right to request a state hearing before an Administrative Law Judge.

**IMPORTANT:** If the LCSA did not respond to you in 30 days, and you decided to request a state hearing, your request for a state hearing must be made within 90 days after you made your complaint with the LCSA.

If the LCSA **does** respond to you within 30 days of making your complaint, and you are not satisfied with the LCSA's complaint resolution, you have the right to request a state hearing before an Administrative Law Judge.

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**APPLICATION FOR COMPROMISE - FAMILY REUNIFICATION**

DCSS 0027 (09/03)

**PART I: INFORMATION ABOUT THE OBLIGOR PARENT AND CHILD**

1. NAME OF OBLIGOR PARENT			3. TELEPHONE NUMBER OF OBLIGOR PARENT (     )		
2. ADDRESS OF OBLIGOR PARENT			4. SOCIAL SECURITY NUMBER OF OBLIGOR PARENT, IF ANY		
CITY	STATE	ZIP CODE	5. LCSA CASE NUMBER		

  

6. NAME OF THE CHILD(REN) FOR WHOM THE ARREARAGES ACCRUED:		7.(A.) - CHILD'S SOCIAL SECURITY NUMBER	
A.		7.(B.) - CHILD'S SOCIAL SECURITY NUMBER	
B.		7.(C.) - CHILD'S SOCIAL SECURITY NUMBER	
C.		7.(D.) - CHILD'S SOCIAL SECURITY NUMBER	
D.			

  

8. YOUR RELATIONSHIP TO THE CHILD: (PLEASE CHECK ONE)

☐ Natural Mother
☐ Adoptive Mother
☐ Natural Father
☐ Adoptive Father

9. PERIOD WHEN THE CHILD WAS OUT OF THE HOME

From:     /     /     To:     /     /

From:     /     /     To:     /     /

From:     /     /     To:     /     /

From:     /     /     To:     /     /

10. CHECK BELOW WHERE YOUR CHILD(REN) WAS LIVING DURING THE TIME YOUR CHILD(REN) WAS OUT OF YOUR HOME.

A. Foster Care: ☐ YES ☐ NO     If "YES", was the child(ren) placed in Foster Care by the juvenile court (Welfare and Institutions Code Section 300)? ☐ YES ☐ NO

B. With a guardian or relative caregiver who got CalWORKs for the child?..... ☐ YES ☐ NO  
     If YES, with who? \_\_\_\_\_ Relationship to child: \_\_\_\_\_

C. With a guardian or relative caregiver who got KinGap for the child ..... ☐ YES ☐ NO  
     If YES, with who? \_\_\_\_\_ Relationship to child: \_\_\_\_\_

11. Is the child currently living with you at least 50% of the time?..... ☐ YES ☐ NO

12. Did the child live with you before being placed with the guardian or relative caregiver?..... ☐ YES ☐ NO

**PART II: INCOME AND EXPENSES**

1. Are you providing for the full support of your child?.....	<input type="checkbox"/> YES <input type="checkbox"/> NO
2. You must complete the enclosed court form(s) which provide information about your income and expenses	
3. Do you have any other extra expenses that were not identified on the enclosed income and expense forms?.....	<input type="checkbox"/> YES <input type="checkbox"/> NO
If "YES" please explain: _____	

**PART III: HARDSHIP**

1. Do you believe the compromise of arrearages being requested is necessary for you to be able to support your child(ren) named in this application?.....	<input type="checkbox"/> YES <input type="checkbox"/> NO
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**DECLARATION:**

***I declare under penalty of perjury under the laws of the State of California that the foregoing and the attached information are true and correct.***

Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

LOCAL CHILD SUPPORT AGENCY NAME:

LOCAL CHILD SUPPORT AGENCY (LCSA) CASE NUMBER:

**NOTICE OF ELIGIBILITY FOR COMPROMISE OF ARREARAGES  
FAMILY REUNIFICATION**

The Application for Compromise you sent us was received on \_\_\_\_\_ and has been reviewed.

The local child support agency has determined that you are eligible for a compromise of your assigned arrearages. The determination was based on the local child support agency finding that your net disposable income was \$ \_\_\_\_\_. It has been determined that you qualify for a compromise of \$ \_\_\_\_\_ in your assigned arrearages. This amount will be subtracted from the total arrearages you owe at this time. The total arrearage you now owe for past due support is \$ \_\_\_\_\_.

We are enclosing a Stipulation that you must sign and return before your compromise is final. **You have 20 business days from the date of this notice to sign and return the Stipulation. If you do not return the Stipulation within 20 business days from the date of this notice, your compromise will be denied.**

The local child support agency will submit the signed stipulation agreement to the court. That agreement will show the amount of arrearages to be erased. Once the court has approved the agreement, your support arrearage account will be lowered to show the amount of arrearages that you still owe for your child(ren). A copy of the final stipulation approved by the court will be sent to you.

If you have any questions about this notice, please contact your Local Child Support Agency representative.

Local Child Support Agency Case Worker Name :

## HOW TO MAKE A COMPLAINT ABOUT YOUR APPLICATION FOR COMPROMISE - FAMILY REUNIFICATION

### **RIGHT TO COMPLAINT RESOLUTION:**

If you think a mistake has been made in the way your application was handled or the amount of support the Local Child Support Agency (LCSA) has arrived at for your compromise, the LCSA has a complaint resolution process. To start the complaint resolution process you should call your LCSA at (     ) -     or write your LCSA at the address below:

**Local Child Support Agency**

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**IMPORTANT:** Your request for complaint resolution must be made within 90 days from the date you knew, or should have known, about the mistake you feel was made.

The LCSA has 30 days from the date it receives your complaint to provide you with a written resolution of your complaint, unless the LCSA determines more information or time is needed to resolve your complaint. The LCSA will contact you if it needs more information or time to resolve your complaint.

### **RIGHT TO A STATE HEARING**

If the LCSA **does not** respond to you within 30 days from receiving your complaint, you have the right to request a state hearing before an Administrative Law Judge.

**IMPORTANT:** If the LCSA did not respond to you in 30 days, and you decided to request a state hearing, your request for a state hearing must be made within 90 days after you made your complaint with the LCSA.

If the LCSA **does** respond to you within 30 days of making your complaint, and you are not satisfied with the LCSA's complaint resolution, you have the right to request a state hearing before an Administrative Law Judge.

**IMPORTANT:** If you are not satisfied with the LCSA's complaint resolution or response, and you decide to request a state hearing, your request for a state hearing must be made within 90 days after you received the LCSA's written response. You will receive instructions on how to file for a state hearing when you file a complaint with the LCSA.

LOCAL CHILD SUPPORT AGENCY NAME:

LOCAL CHILD SUPPORT AGENCY (LCSA) CASE NUMBER:

**NOTICE OF DENIAL OF APPLICATION FOR COMPROMISE OF ARREARAGES  
FAMILY REUNIFICATION**

☐ A. From your application, we determined you **do not meet the minimum requirements for eligibility for a compromise** because:

☐ Your child is not currently living with you at least 50% of the time.

☐ Your net income is \$ , which for a household of is too high to qualify for a compromise.

☐ Your child did not receive Foster Care, CalWORKs, or KinGAP benefits during the period your child was out of your home.

☐ Your gross income is \$ , which for a household of is too high to qualify for a compromise.

☐ Other:

☐ B. Your application is denied because we sent you a Stipulation and you did not sign and return it within the required 20 business days.

**Since your application has been denied, this agency will continue to collect the child support payments you owe for your child(ren). If you feel that a change in your case may make you eligible for a compromise, you may reapply.**

If you have any questions about this notice, please contact your Local Child Support Agency representative.

Local Child Support Agency Case Worker Name :

## HOW TO MAKE A COMPLAINT ABOUT YOUR APPLICATION FOR COMPROMISE - FAMILY REUNIFICATION

### **RIGHT TO COMPLAINT RESOLUTION:**

If you think a mistake has been made in the way your application was handled or the amount of support the Local Child Support Agency (LCSA) has arrived at for your compromise, the LCSA has a complaint resolution process. To start the complaint resolution process you should call your LCSA at (     ) -     or write your LCSA at the address below:

**Local Child Support Agency**

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### **RIGHT TO A STATE HEARING**

If the LCSA **does not** respond to you within 30 days from receiving your complaint, you have the right to request a state hearing before an Administrative Law Judge.

**IMPORTANT:** If the LCSA did not respond to you in 30 days, and you decided to request a state hearing, your request for a state hearing must be made within 90 days after you made your complaint with the LCSA.

If the LCSA **does** respond to you within 30 days of making your complaint, and you are not satisfied with the LCSA's complaint resolution, you have the right to request a state hearing before an Administrative Law Judge.

**IMPORTANT:** If you are not satisfied with the LCSA's complaint resolution or response, and you decide to request a state hearing, your request for a state hearing must be made within 90 days after you received the LCSA's written response. You will receive instructions on how to file for a state hearing when you file a complaint with the LCSA.

LOCAL CHILD SUPPORT AGENCY NAME:

LOCAL CHILD SUPPORT AGENCY (LCSA) CASE NUMBER:

**NOTICE OF TEMPORARY SUSPENSION OF CHILD SUPPORT  
COLLECTION AND ENFORCEMENT - FAMILY REUNIFICATION**

The Application for Compromise you sent us was received on  
and has been reviewed.

From your application, we determined you qualify for temporary suspension of collection and enforcement actions on the assigned arrearages you owe for the period of time when your child was not living in your house. You may be eligible for a compromise of those assigned child support arrearages. We are required to check the information on your application before we can make a final decision. As soon as the final review is complete, we will send you written notice.

**We will not collect on your assigned child support arrearage payments that are under review for compromise. We will continue to collect all other child support owed.**

If you have any questions about this notice, please contact your Local Child Support Agency representative.

Local Child Support Agency Case Worker Name :



## HOW TO MAKE A COMPLAINT ABOUT YOUR APPLICATION FOR COMPROMISE - FAMILY REUNIFICATION

### RIGHT TO COMPLAINT RESOLUTION:

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Local Child Support Agency

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The LCSA has 30 days from the date it receives your complaint to provide you with a written resolution of your complaint, unless the LCSA determines more information or time is needed to resolve your complaint. The LCSA will contact you if it needs more information or time to resolve your complaint.

### RIGHT TO A STATE HEARING

If the LCSA **does not** respond to you within 30 days from receiving your complaint, you have the right to request a state hearing before an Administrative Law Judge.

**IMPORTANT:** If the LCSA did not respond to you in 30 days, and you decided to request a state hearing, your request for a state hearing must be made within 90 days after you made your complaint with the LCSA.

If the LCSA **does** respond to you within 30 days of making your complaint, and you are not satisfied with the LCSA's complaint resolution, you have the right to request a state hearing before an Administrative Law Judge.

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LOCAL CHILD SUPPORT AGENCY NAME:

LOCAL CHILD SUPPORT AGENCY (LCSA) CASE NUMBER:

**NOTICE OF INCOMPLETE APPLICATION FOR COMPROMISE  
FAMILY REUNIFICATION**

The Application for Compromise - Family Reunification you sent was received on  
and has been reviewed.

☐ A. Your application is not complete because:

- ☐ You did not return your Application for Compromise - Family Reunification form DCSS 0027.
- ☐ You did not sign the Application.
- ☐ You did not complete all lines on the Application.
- ☐ You did not return the court forms on your income, expenses and assets.
- ☐ You did not complete all lines on the income, expenses and assets form(s).
- ☐ Other:

When we receive the requested information, this agency will notify you within 10 business days if you are eligible for review of a compromise.

If you have any questions about this notice, please contact your Local Child Support Agency representative.

Local Child Support Agency Case Worker Name :

## HOW TO MAKE A COMPLAINT ABOUT YOUR APPLICATION FOR COMPROMISE - FAMILY REUNIFICATION

### **RIGHT TO COMPLAINT RESOLUTION:**

If you think a mistake has been made in the way your application was handled or the amount of support the Local Child Support Agency (LCSA) has arrived at for your compromise, the LCSA has a complaint resolution process. To start the complaint resolution process you should call your LCSA at (     ) -     or write your LCSA at the address below:

**Local Child Support Agency**

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### **RIGHT TO A STATE HEARING**

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